

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

Barbara E. Varner,
Plaintiff

v.

**Commonwealth of Pennsylvania,
Ninth Judicial District, Cumberland
County, and Cumberland County
and S. Gareth Graham, Individually,
and Joseph Osenkarski, Individually,
Defendants**

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No.: 1:CV 01-0725

JURY TRIAL DEMANDED

JUDGE YVETTE KANE

MOTION FOR SUMMARY JUDGMENT
FILED ON BEHALF OF CUMBERLAND COUNTY

Cumberland County, one of the Defendants in the above-captioned case, moves this Honorable Court pursuant to FRCP 56 to grant Summary Judgment in its favor, averring in support thereof as follows:

1. No issues of material fact exists and Cumberland County is entitled to judgment as a matter of law.
2. The Undisputed Material Facts show that Cumberland County is neither Plaintiff's employer nor Plaintiff's "joint employer".

Respectfully submitted,
THOMAS, THOMAS & HAFFER, LLP

DATE: December 19, 2003

s/James K. Thomas, II

By: _____

James K. Thomas, II, Esquire

Atty. ID #: 15613

Paul J. Dellasega, Esquire

Atty. ID #: 23146

305 North Front Street

Sixth Floor, P.O. Box 999

Harrisburg, PA 17108

Attorney for Defendant Cumberland County

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CERTIFICATE OF SERVICE

I hereby certify that I sent a true and correct copy of the foregoing document to the following counsel of record, by placing a copy of same in the United States, first class mail, postage prepaid, addressed as follows:

Debra K. Wallet, Esquire
24 North 32nd Street
Camp Hill, PA 17011

A. Taylor Williams, Esquire
Administrative Office of PA Courts
1515 Market Street, Suite 1414
Philadelphia, PA 19102

David J. MacMain, Esquire
Montgomery, McCracken,
Walker & Rhoads, LLP
123 South Broad Street
Avenue of the Arts
Philadelphia, PA 19109

Paul J. Adams, Esquire
Sweeney & Sheehan, P.C.
1515 Market Street, 15th Floor
Philadelphia, PA 19102

THOMAS, THOMAS & HAFFER, LLP

By: **s/James K. Thomas, II**

Paul J. Dellasega, Esquire

Dated: December 19, 2003